

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 12, 14-15 and 18-19 are amended. Claims 16-17 are cancelled. Claims 1-15 and 18-19 are pending in the application.

### I. Rejection under 35 U.S.C. § 101

In the Office Action, at pages 3-5, claims 12-13 and 15-16 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In light of the Examiner's comments, claims 12-13 and 15 were amended and claim 16 was cancelled. Accordingly, withdrawal of the § 101 rejection is respectfully requested.

### II. Rejection under 35 U.S.C. § 103

In the Office Action, at page 5, numbered paragraph 9, claims 1-7, 9-10 and 12-19 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,678,714 to Olapurath et al. in view of U.S. Patent No. 6,038,585 to Togawa. This rejection is respectfully traversed. The assumption is made by the Applicants that claims 6-7, which the Examiner states are allowable, were incorrectly listed in the above rejection.

Olapurath does not discuss or suggest:

receiving notifications for executability of specific task units from the work performing elements, and based on the received notifications, selecting one of the work performing elements to execute the specific task unit,

as recited in amended independent claim 1, and does not discuss or suggest:

sending a notification to the information processing device that the specific task unit is executable if the task unit is executable by the work performing element;

wherein the information processing device selects one of the work performing elements having sent a notification that the task unit is executable to execute the specific task unit,

as recited in amended independent claim 12, and similarly in independent claim 15. The Examiner admits that Olapurath "does not specifically teach the information processing device receiving notifications for executability from the work performing elements, and sending an execution command to one of the work performing elements having sent one of said received notifications for executability," as recited in independent claim 1. The Examiner alleges that

Togawa makes up for the deficiency in Olapurath, stating that "it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the control device of Togawa with the system of Olapurath because it would provide for the purpose of executing a plurality of target processes by using a processing unit suited to the particular plurality of target processes."

Togawa discusses an instruction book control device that executes target processes while an instruction book which contains data pertaining to a processing procedure is transmitted among a plurality of processor having processing units. In Togawa, "the instruction book management unit 3 checks the environment conditions of the instruction book 8, selects a free processor that meets the operating environment conditions, and requests processing to the selected processor." The Examiner cites col. 15, lines 1-4 in alleging that Togawa corresponds to receiving notifications for executability from the work performing elements. Togawa merely discusses that "if there is a request from the instruction book control unit 2 and the like, in step S34 the instruction book management unit 3 receives execution notification of instruction book 8 from the instruction book control unit 2" (col. 15, lines 2-4). Togawa does not discuss or suggest that the processing units send notifications of executability of specific tasks to the information processing device and then the information processing device selects one of the work performing elements to execute the specific task unit. Togawa discusses that the "instruction book processing unit transmits the instruction book between the plurality of processors [and] activates the processing unit in a target processor selected from among the plurality of processors in order to execute the target process in accordance with the processing procedure described in the instruction book" (col. 2, lines 27-32). The instruction book processing unit includes a monitoring unit that "distributes processing tasks to the corresponding processing units 74...[which] perform the actual processes" (col. 6, lines 16-20). Togawa does not discuss or suggest that the work performing elements send notifications for executability of specific task units to the information processing device and only after receiving the notifications for executability, the information processing device selects one of the work performing elements to execute the specific task unit.

Additionally, there is no adequate motivation to combine the task management system of Olapurath with the instruction book control device of Togawa to teach the present invention, without having to rely on applicant's own disclosure. The applicants respectfully submit that the rejection fails to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or discuss all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See M.P.E.P. § 2142.

The Examiner cites the motivation of "provid[ing] for the purpose of executing a plurality of target processes by using a processing unit suited to the particular plurality of target processes" in discussing why one of ordinary skill in the art would incorporate the control device of Togawa with the system of Olapurath. While Togawa does discuss "execut[ing] a target process by using a processing unit suited to the particular target process" (col. 1, lines 59-60), it is unclear as to how that specific motivation would have suggested to one of ordinary skill in the art to combine Olapurath with Togawa to provide for the information processing device receiving notifications for executability of specific task units from the work performing elements prior to executing the task units, then selecting one of the work performing elements that previously sent the notification for executability to execute the specific task unit.

Therefore, as Olapurath does not discuss or suggest "receiving notifications for executability of specific task units from the work performing elements, and based on the received notifications, selecting one of the work performing elements to execute the specific task unit," Togawa fails to make up for the deficiency, and there is no adequate motivation to suggest the present invention by combining Togawa and Olapurath, claims 1, 12 and 15 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2-5, 9-10, 13-14 and 18-19 depend either directly or indirectly on independent claims 1, 12 and 15 and include all the features of the respective independent claims, plus additional features that are not discussed by the references relied upon. For example, claim 13 recites that "the work performing element notifying the information processing device that execution of one of the task units is possible sends a task efficiency value of the executable task unit." Therefore, claims 2-5, 9-10, 13-14 and 18-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

### **III. Allowable Subject Matter**

Applicants are appreciative of the acknowledgement that claims 6-8 and 11 are allowed.

**Conclusion**

In accordance with the foregoing, claims 12, 14-15 and 18-19 have been amended. Claims 16-17 have been cancelled. Claims 1-15 and 18-19 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

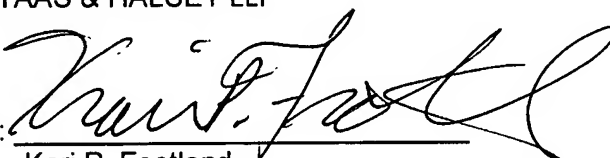
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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